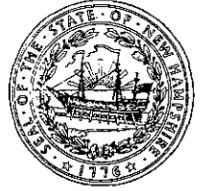




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2867



May 16, 2003

Munce's Superior Inc.
Attn: Rob Munce
620 Main Street
Gorham, NH 03581

Re: Administrative Order by Consent Docket No. WMD 03-014

Dear Mr. Munce:

Enclosed for your records is a copy of the Administrative Order by Consent in this matter executed by Philip J. O'Brien, Ph.D., Waste Management Division Director, and accepted by Acting Commissioner Robert Monaco on May 13, 2003. On behalf of the Department of Environmental Services, thank you for your cooperation in resolving these matters. If you have any questions, please contact me at (603) 271-6072, or by e-mail at msclafani@des.state.nh.us.

Sincerely,

COPY

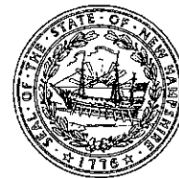
Michael Sclafani,
Legal Assistant

cc: Mark R. Harbaugh, DES Legal Unit
Philip J. O'Brien, Ph.D., Director, Waste Management Division
Lynn Woodard, Oil Remediation & Compliance



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3644 FAX (603) 271-2181



Munce's Superior Inc.
620 Main Street
Gorham, NH 03581

Re: DES Site No. 199802078
Munce's Superior Inc.
615 Main Street
Gorham, NH 03581

ADMINISTRATIVE ORDER

BY CONSENT
No. WMD 03-14
April 29, 2003

A. INTRODUCTION

This Administrative Order by Consent is issued by the Department of Environmental Services, Waste Management Division to, and with the consent of, Munce's Superior Inc., pursuant to RSA 146-A:11-c, RSA 146-A:15, and RSA 146-A:16. This Administrative Order by Consent is effective upon signature by both parties.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.
2. Munce's Superior Inc. is a New Hampshire corporation having a mailing address of 620 Main Street, Gorham, NH 03581.

C. STATEMENTS OF FACTS AND LAW

1. RSA 146-A authorizes DES to minimize contamination of the waters and land of the state due to improper storage and handling of petroleum by establishing requirements for the operation of aboveground petroleum storage facilities. Pursuant to RSA 146-A:11-c, the Commissioner of DES has adopted NH Administrative Rules Env-Wm 1402 to implement this program.
2. RSA 146-A:15 authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 per offense for violations of RSA 146-A, including any rule adopted pursuant thereto. Pursuant to RSA 146-C:15, the Commissioner of DES has adopted Env-C 615 to establish the schedule of fines for such violations relating to aboveground storage tanks.
3. Munce's Superior Inc. is the owner of one unknown aged 20,000-gallon diesel, one unknown aged 20,000-gallon kerosene, three unknown aged 20,000-gallon #2 fuel oil, and one unknown aged 12,000-gallon diesel aboveground petroleum storage tanks ("subject AST systems") located at Munce's Superior Inc., 615 Main Street, Gorham, further identified by the DES site number 199802078 ("the Facility").

4. The AST systems at the Facility are subject to the requirements of NH Administrative Rules Env-Wm 1402.

5. Env-Wm 1402.29 requires that the owner or operator shall perform an initial detailed interior tank inspection of any tank greater than or equal to 5,100-gallons in size when it is 10-years old (20-years old if entirely on cradles), or by April 25, 2002, whichever is later (by April 25, 2002 if of an unknown age). Such inspection shall be performed by an American Petroleum Institute ("API") certified inspector or by a licensed professional engineer ("P.E.") registered in any state.

6. The subject AST systems at the Facility have not had a detailed interior tank inspection performed by an API certified inspector or a licensed P.E. as required by Env-Wm 1402.29.

D. DETERMINATION OF VIOLATIONS

1. Munce's Superior Inc. has violated Env-Wm 1402.29 by failing to perform detailed interior inspections on the Facility's subject AST systems.

E. ORDER

Based on the above findings, DES hereby orders Munce's Superior Inc., and Munce's Superior Inc. agrees, to undertake and complete the following actions in accordance with the time schedules specified:

1. In calendar year 2003, Munce's Superior Inc. shall have the detailed interior tank inspections performed by an API certified inspector or a licensed P.E. for the subject AST systems at the Facility and submit the inspection report to DES within 30 days of the date of the report.

2. Munce's Superior Inc. shall send correspondence, inspection report summaries and results, and interior inspection certifications signed by an API certified inspector or a P.E. to DES as follows:

Michael W. Juranty, P.E.
DES Waste Management Division
PO Box 95
Concord, NH 03302-0095
Fax No.: (603) 271-2181

F. ADMINISTRATIVE FINES/STIPULATED PENALTIES

1. Munce's Superior Inc. agrees to pay a stipulated penalty of \$2,000 per calendar month or portion thereof that compliance with each item in Section E. is not achieved within the specified time. If stipulated penalties become due, payment shall be by certified check made payable to "Treasurer, State of New Hampshire" and mailed to DES Legal Unit, Attn: Michael Sclafani, Legal Assistant, PO Box 95, Concord, NH 03302-0095, within 30 days of the date of notice from DES that payment is required.

G. CONSENT AND WAIVER OF APPEAL

1. By execution of this Administrative Order by Consent, Munce's Superior Inc. agrees that this Order shall apply to and be binding upon Munce's Superior Inc., and agrees that this Order may be entered and enforced by a court of competent jurisdiction.
2. By execution of this Administrative Order by Consent, Munce's Superior Inc. waives any right to appeal this Administrative Order by Consent provided by statute, rule, or common law, including without limitation the right to appeal to the Waste Management Council, and waives any right to object to the entry and enforcement of this order by a court of competent jurisdiction.
3. By execution of this Administrative Order by Consent, Munce's Superior Inc. waives any right to a hearing on or appeal of the penalties specified in sections E and F provided by statute, rule, or common law, and waives any right to object to the penalties in any collection action initiated by DES due to non-payment of the penalties by Munce's Superior Inc..

COPY
Munce's Superior Inc.

[Signature]

5/2/03
Date

By: Rob Munce
Duly Authorized

COPY
NH Department of Environmental Services

Philip J. O'Brien, Ph.D., P.G., Director
Waste Management Division
COPY

5/9/03
Date

Robert Monaco, Acting Commissioner

5-13-03
Date

cc: Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
Attorney General's Office